United Nations S/2002/1053

Security Council

Distr.: General
20 September 2002

Original: English

Small arms

Report of the Secretary-General

Summary

Over the past decade, the destabilizing accumulation of illicit small arms and light weapons has emerged as a major concern of the international community, posing a complex challenge that involves security, humanitarian and development dimensions. The end of the cold war led to a decline in control over these weapons in many parts of the world, resulting in a significant increase in their circulation worldwide. The accelerated pace of globalization in the same period facilitated both legal and illegal cross-border transfers of these weapons, while a sudden upsurge in intra-State conflicts created a staggering demand for them. The present report reflects recent initiatives taken by the Security Council, and also identifies areas where further action by the Council is required in addressing this global scourge. The report also underscores that preventing, combating and eliminating the uncontrolled spread of small arms and light weapons constitutes one of the key tasks of the Security Council in discharging its primary responsibility for the maintenance of international peace and security.

02-59170 (E) 230902

I. Introduction

1. The present report is submitted pursuant to the last paragraph of the statement by the President of the Security Council of 31 August 2001 (S/PRST/2001/21), whereby I was requested to submit a report to the Council on ways and means in which it could contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration, taking into account the views of Member States, recent experiences in the field and the content of that presidential statement.

2. Twenty-two Member States, including the five permanent members and four non-permanent members of the Security Council, responded to the note verbale sent by the Department for Disarmament Affairs requesting views on this issue. In expressing their views, the Member States provided various pertinent recommendations. Those views and recommendations are incorporated in section IV of the present report, "Observations and recommendations".

II. Background

3. Small arms and light weapons are the weapons of choice in a great majority of recent conflicts, especially those under consideration by the Security Council. It is estimated that there are at least 639 million small arms in the world today, nearly 60 per cent of which are legally held by civilians. These arms fuel, intensify and contribute to the prolongation of conflicts. As a conflict is prolonged, the need for more arms and ammunition grows, thus perpetuating a vicious cycle.

4. The spread of illicit small arms and light weapons is a global threat to human security and human rights. At least 500,000 people die every year as a result of the use of small arms and light weapons. Of the estimated 4 million war-related deaths during the 1990s, 90 per cent of those killed were civilians, and 80 per cent of those were women and children, mostly victims of the misuse of small arms and light weapons. In addition, tens of millions more people have lost their livelihoods, homes and families because of the indiscriminate and pervasive use of these weapons.

5. Over the past decade, as the United Nations has become increasingly involved in "robust" peacekeeping operations and post-conflict peace-building, peacekeepers and humanitarian workers have been confronted with massive quantities of small arms and light weapons moving freely among combatants, as well as among former combatants and civilians. The excessive accumulation and easy availability of these weapons have impeded the conduct of peacekeeping operations and jeopardized post-conflict reconstruction and development efforts. The proliferation of these weapons has also obstructed the implementation of Security Council arms embargoes, hindered worldwide humanitarian efforts and exacerbated the phenomenon of child soldiers.

6. The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held from 9 to 20 July 2001, provided the international community with an opportunity to adopt measures to combat this global scourge. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (see A/CONF.192/15), which was adopted by consensus on 20 July 2001, is a significant first step towards the goal of controlling the illicit trade in small arms and light weapons. It includes comprehensive national, regional and global strategies and provides for a sound process of follow-up to the Conference.

7. The Programme of Action highlights the role of the Security Council in addressing the issue of the illicit trade in small arms. It underscores the importance of international cooperation and assistance, particularly regarding the implementation of arms embargoes imposed by the Council. The Programme of Action also encourages the Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for the disarmament, demobilization and reintegration into civil society of ex-combatants in the mandates and budgets of peacekeeping operations.

III. Security Council decisions

A. Overview

8. As the United Nations became increasingly involved in efforts to prevent and resolve internal conflicts in the 1990s, the Security Council recognized the devastating consequences of the excessive accumulation of and illicit trafficking in small arms and light weapons. In particular, the Council has

repeatedly attempted to stem arms flows to conflict areas by establishing arms embargoes. Recently, the Council has taken a series of innovative measures to enhance compliance with arms embargoes by establishing independent panels of experts and monitoring mechanisms, whose reports have publicized specific violations of the embargoes.[1] The Council has also taken up the issue of small arms in its consideration of conflict prevention initiatives, peacekeeping operations and peace-building activities, in particular through disarmament, demobilization and reintegration programmes. In addition, the panels of experts mandated by the Council have focused, inter alia, on financial sources used for the purchase of illegal weapons, while the Council itself has imposed sanctions prohibiting the import of diamonds when they are deemed to be fuelling conflict, such as in Angola, Sierra Leone and Liberia.

9. Following the July 2001 United Nations Conference on small arms, the Security Council held an open debate on small arms on 2 August 2001, and issued a statement by the President on 31 August 2001 (S/PRST/2001/21). In that statement, the Council welcomed the adoption of the Programme of Action at the Conference and called on all Member States to take required measures to promptly implement the recommendations contained therein.

B. Arms embargoes and monitoring mechanisms

10. The Security Council has frequently employed arms embargoes to control the proliferation of small arms and light weapons in specific conflict situations. All current United Nations sanctions regimes imposed by the Security Council have an arms embargo component. Until recently, however, most arms embargoes decided by the Council were not adequately monitored and therefore did not play a significant role in eradicating the illicit traffic in small arms.

11. In the statement by its President of 31 August 2001 (S/PRST/2001/21), the Security Council expressed its determination to continue to improve, on a case-by-case basis, the efficiency of the arms embargoes it imposed, including through the establishment of specific monitoring mechanisms or similar arrangements. The Council also stressed the need to engage the relevant international organizations, business and financial institutions and other actors at the international, regional and local levels to contribute to the implementation of arms embargoes. In addition, the Council underscored the need for innovative strategies to address the relationship between the illicit exploitation of natural and other resources and the purchase of and trade in illegal weapons in situations under its consideration. It also requested that information on financial or other transactions fuelling the illicit flow of arms to conflicts under its consideration be made available to the Council.

12. While the efforts of the Security Council and relevant sanctions committees, through the established monitoring arrangements, have produced positive results in Angola and Sierra Leone, the problem of illicit trafficking in small arms and light weapons persists in other areas of conflict. Although there is little doubt that the work of panels of experts has succeeded in drawing the attention of the international community to the ways in which Security Council arms embargoes are violated, the latest report of the Panel of Experts on Liberia states that the problem of small arms proliferation in the West African region is far from solved (S/2002/470, annex, para. 59). In their reports, the Panels of Experts on both Sierra Leone and Liberia have repeatedly emphasized the need for a more thorough implementation of the Economic Community of West African States Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, and they have further recommended that all arms-producing and -exporting States abstain from supplying weapons to the countries of the Mano River Union.

13. Security Council resolution 1390 (2002) widened the scope of mandatory sanctions, including an arms embargo, beyond the territory of Afghanistan, targeting any individuals or entities linked to Osama bin Laden, the Taliban and Al-Qa`idah, regardless of their location. The Monitoring Group mandated by the same resolution to monitor the implementation of the mandatory measures stated in its last report to the Committee established pursuant to resolution 1267 (1999) that the arms embargo remained the most complex and challenging task assigned to the Group, as the secrecy prevailing in illicit arms transfers made it difficult to identify the actors involved and services they provided.

C. Peace-building and conflict prevention

14. While arms embargoes help to stop arms flows into the targeted countries and to rebel groups, they do not eradicate small arms and light weapons that already exist in areas of conflict. Mindful of this problem, the Security Council has repeatedly emphasized the importance of post-conflict peace-building measures, such as disarmament, demobilization and reintegration, in fulfilling its responsibility for maintaining international peace and security.

15. In the statement by its President of 20 February 2001 (S/PRST/2001/5), the Security Council recognized the interrelationship between peace-building, peacemaking and peacekeeping efforts, and highlighted the value of including, as appropriate, peace-building elements in the mandate of peacekeeping operations.

16. In its resolutions 1314 (2000) of 11 August 2000 and 1379 (2001) of 20 November 2001, the Council called upon all parties to armed conflict to provide for the protection of children in peace agreements, including, where appropriate, provisions relating to the disarmament, demobilization, reintegration and rehabilitation of child soldiers and the reunification of families, and to consider, when possible, the views of children in those processes. In this respect, my Special Representative for Children and Armed Conflict has continued his strenuous efforts to ensure that children are properly disarmed, demobilized, reintegrated and rehabilitated, and that they can live in an environment free of violence. The United Nations Children's Fund also has small arms pilot projects in Kosovo, Liberia, Somalia and Tajikistan that raise children's awareness with regard to small arms and light weapons through, inter alia, the development of school materials and curricula for teaching non-violent conflict resolution and for the strengthening of a culture of peace.

17. United Nations peace support offices have been promoting arms control activities, including the combating of illicit trade in small arms and light weapons, as an essential element of conflict prevention and peace-building efforts. Specifically, these activities have been carried out through the United Nations Peace-building Support Offices in the Central African Republic, Liberia and Guinea-Bissau, as well as the United Nations Political Office in Bougainville.

IV. Observations and recommendations

18. As stated in paragraph 1 above, the present report is submitted pursuant to the request contained in the statement by the President of the Security Council of 31 August 2001 (S/PRST/2001/21). Accordingly, the following observations and recommendations have taken into account the views of Member States on ways and means in which the Council may contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration.

19. In making their views known to the Council, Member States stressed that the Programme of Action adopted at the July 2001 United Nations Conference on small arms provides an adequate basis for further work at the national, regional and global levels, while recognizing that the primary responsibility for addressing this problem rests with the States themselves.

Recommendation 1

The Security Council may wish to call upon Member States to support efforts aimed at developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

Recommendation 2

Member States should be called upon to use as required, and to provide technical and financial support to, the Interpol Weapons and Explosives Tracking System.

20. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects calls upon the Organization to undertake a variety of initiatives in support of efforts by Member States to address the challenge posed by illicit small arms and light weapons, including, inter alia, assistance to national and regional capacity-building efforts, collation and circulation of information, weapons collection and disposal programmes, and disarmament, demobilization and reintegration of former combatants.

21. In order to respond effectively to this substantial increase in activities relating to small arms, the Secretariat is considering the establishment, on the

basis of extrabudgetary resources, of a small arms advisory service within the Department for Disarmament Affairs. The main objectives of this unit would be (a) to provide relevant information[2] on small arms and light weapons issues to Member States and all interested entities, as appropriate; (b) to ensure optimal coordination and harmonization of the Organization's response, within the framework of the Coordinating Action on Small Arms mechanism, to requests for assistance by Member States in the field of small arms and light weapons; and (c) to ensure that the response is consistent with and builds upon the political framework embodied in the Programme of Action. The small arms advisory service would not develop an operational capacity but rather would provide advice to operational agencies, as appropriate, and assist them in the formulation and implementation of programmes, particularly with regard to the conduct of assessment missions and monitoring activities.

Recommendation 3

Member States that are in a position to assist the Secretariat in establishing the small arms advisory service, on the basis of extrabudgetary resources, should be encouraged to do so.

22. The Security Council is well placed to focus the attention of Member States that are in a position to do so, as well as the broader international community, on the need to mobilize resources for the provision of technical and financial assistance for weapons collection efforts, both in post-conflict situations and in those countries directly affected by the proliferation and excessive accumulation of small arms and light weapons. A related need is for the provision of support to research and advocacy initiatives aimed at promoting greater awareness and increased understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons.

23. Some Member States stressed the need to further raise the profile of the small arms issue in the Security Council's agenda, while recognizing the importance of observing the distinction between the mandate of the Council and that of the General Assembly. In this regard, it was suggested that existing procedures regarding the sharing of information between the Council and the Assembly should be refined, so as to enable both organs to adopt coordinated strategies aimed at promoting a more effective implementation of the Programme of Action by all key stakeholders.

Recommendation 4

The Council may wish to consider means by which its interaction with the General Assembly on issues relating to small arms might be enhanced, so as to promote the further development of long-term strategies to halt the scourge of the illicit proliferation of small arms within the framework of international efforts aimed at conflict prevention and peace-building, and in the context of the Programme of Action adopted at the July 2001 United Nations Conference on small arms.

24. Member States also expressed the view that the potential of Security Council-mandated arms embargoes has not been fully realized in the international efforts to prevent the illicit trade in small arms and light weapons. The need exists, therefore, for the Council to vigorously promote more effective monitoring and enforcement of all resolutions on sanctions, as well as to strengthen the exchange of information among all Member States.

Recommendation 5

Member States should be called upon to enforce all Council resolutions on sanctions, including those imposing arms embargoes, in accordance with the Charter of the United Nations, and to bring their own national legislation into compliance with the Council's measures on sanctions. The Council may also wish to call upon all Member States to continue to make available to the appropriate United Nations bodies all pertinent information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.

Recommendation 6

The Council is strongly encouraged to continue its efforts aimed at identifying the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources, as well as the trade in illegal drugs, and to develop

innovative strategies to address this phenomenon. In this connection, careful consideration should be given to the findings and recommendations of the bodies established to investigate such links, including the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, the Panel of Experts on Liberia and the Monitoring Mechanism on Sanctions against UNITA.

25. Member States also suggested that the Security Council accord high priority to the need to include appropriate provisions for the effective disarmament, demobilization and reintegration of ex-combatants and other practical disarmament measures in the mandates of United Nations peacekeeping missions.

Recommendation 7

The Council is encouraged to call upon relevant parties to conflicts under its consideration to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations, and of including such measures in the text of negotiated agreements. The Council is also urged to include in the mandate of peacekeeping operations clear provisions regarding the disarmament, demobilization and reintegration of former combatants, as well as specific measures for the collection and disposal of illicit and/or surplus small arms and light weapons.

Recommendation 8

The Council is further encouraged to consider strengthening the financing of disarmament, demobilization and reintegration programmes through the expansion of measures covered under the budget for peacekeeping operations, thus ensuring that such activities are not entirely dependent upon voluntary contributions from Member States.

26. As was clearly expressed by the Security Council (see S/PRST/2001/21), it is the responsibility of arms-exporting countries to ensure that they adopt adequate legislation and administrative procedures to ensure that legally manufactured and transferred small arms and light weapons are not diverted to illicit channels.

Recommendation 9

The Council should encourage States that have not already done so to establish the necessary legislative or other measures, including the use of authenticated end-user certificates, to ensure effective control over the export and transit of small arms and light weapons.

27. Arms embargoes have the potential to be one of the most effective instruments of the United Nations for preventing armed conflicts, reducing their destructiveness and promoting peacemaking and peace-building. In countries and regions in conflict that are already saturated with small arms and light weapons, the impact of arms embargoes can be enhanced through measures to restrict the availability of ammunition.

Recommendation 10

The Council is called upon to pursue more vigorously and expeditiously the use of arms embargoes, under Article 41 of the Charter of the United Nations, to countries or regions threatened by, engaged in or emerging from armed conflict, and to promote their effective implementation. The Council is also called upon to give particular attention to the restriction of the supply of ammunition suitable for weapons already extensively available in such countries and regions.

Recommendation 11

The Council may wish to consider coercive measures against Member States that deliberately violate arms embargoes declared in respect of specific conflict areas. In this regard, the Council is encouraged to establish monitoring mechanisms, under each relevant Council resolution, to oversee their rigorous and comprehensive enforcement.

28. Transparency in armaments and other confidence-building measures in the military and security domains can help States, particularly those in and near conflict areas, to promote security and stability and reduce regional tensions. Such measures can also contribute to drastic reductions in military expenditures, as well as restraint in arms acquisitions, thus increasing the availability of resources for social and economic development.

Recommendation 12

Member States should be called upon to enhance transparency in armaments, including through universal and consistent participation in the United Nations Register of Conventional Arms and the United Nations standardized instrument for reporting military expenditures, and to undertake other confidence-building measures in defence and security matters.

Notes

[1] Currently the following monitoring bodies are in place: (a) the Monitoring Mechanism on Sanctions against UNITA; (b) the Panel of Experts on Liberia; (c) the Panel of Experts on Somalia; and (d) the Monitoring Group mandated by resolution 1390 (2002) on the sanctions against the Taliban and Al-Qa'idah.

[2] Such information would include activities of United Nations bodies related to the implementation of the Programme of Action; best practices and lessons learned from such activities; and databases of relevant expertise.